

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 2:24-cv-01326-JAD-DJA

Preston House,

Plaintiff

v.

TH Foods, Inc.,

Defendant

**Order Granting in Part and Denying in
Part Plaintiff's Motions to Seal**

[ECF Nos. 93, 94]

Plaintiff Preston House seeks to seal or redact various exhibits attached to his summary-judgment motion on the basis that defendant TH Foods, Inc. designated those documents as “confidential” during discovery.¹ “The public has a ‘general right to inspect and copy public records and documents including judicial records and documents.’”² “Although the common law right of access is not absolute, ‘[courts] start with a strong presumption in favor of access to court records.’”³ “A party seeking to seal judicial records can overcome the strong presumption of access by providing ‘sufficiently compelling reasons’ that override the public policies favoring disclosure.”⁴ “When ruling on a motion to seal court records, the district court must balance the competing interests of the public and the party seeking to seal judicial records.”⁵

“To seal the records, the district court must articulate a factual basis for each compelling reason to seal[,] [which] must continue to exist to keep judicial records sealed.”⁶ The Ninth

¹ ECF Nos. 93, 94.

² *In re Midland Nat. Life Ins. Co. Annuity Sales Prac. Litig.*, 686 F.3d 1115, 1119 (9th Cir. 2012) (quoting *Nixon v. Warner Comm’ns., Inc.*, 435 U.S. 589, 597 (1978)).

³ *Id.* (quoting *Foltz v. St. Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)).

⁴ *Id.* (quoting *Foltz*, 331 F.3d at 1135).

⁵ *Id.* (citing *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)).

⁶ *Id.* (citing *Kamakana*, 447 F.3d at 1179; *Foltz*, 331 F.3d at 1136).

1 Circuit has, however, “‘carved out an exception to the presumption of access’ to judicial records”
2 that is “‘expressly limited to’ judicial records ‘filed under seal when attached to a non-dispositive
3 motion.’”⁷ “Under the exception, ‘the usual presumption of the public’s right is rebutted[,]” so
4 “a particularized showing of ‘good cause’ under Federal Rule of Civil Procedure 26(c) is
5 sufficient to preserve the secrecy of sealed discovery documents attached to non-dispositive
6 motions.”⁸

7 I find that the higher compelling-reasons standard applies in this context because House’s
8 underlying summary-judgment motion is dispositive. I find that Exhibit D and four pages of
9 Exhibit G contain House’s confidential medical records and taxpayer information, so I conclude
10 that there are compelling reasons to seal those exhibits. But Exhibits B, C, F, H, I, and the rest of
11 G do not contain any information that justifies keeping those records private. House does not
12 argue that compelling reasons exist to seal those records; he merely states that TH Foods
13 designated them as confidential when they were produced in discovery.⁹ But reliance on a
14 protective order does not provide a compelling reason that rebuts the presumption of access to
15 records filed on the court’s public docket.¹⁰ And TH Foods has not filed a response to House’s
16 motion arguing that those documents should remain sealed. Indeed, it has publicly filed many of
17 the same documents as exhibits to its summary-judgment motion.¹¹ I have further reviewed

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20 ⁷ *Id.* (quoting *Foltz*, 331 F.3d at 1135).

21 ⁸ *Id.* (quoting *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th
Cir. 2002); *Foltz*, 331 F.3d at 1135, 1138).

22 ⁹ See ECF Nos. 93, 94.

23 ¹⁰ See *Kamakana*, 447 F.3d at 1183.

¹¹ Compare ECF No. 90-5 with ECF No. 143-11 (both containing House’s performance-
improvement plan).

1 Exhibits B, C, F, H, I, and G and, except for the 4 pages of Exhibit G containing IRS documents,
2 I conclude that compelling reasons do not exist to keep those records sealed.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that Preston House's motions to seal [ECF Nos. 93 and
5 94] are **GRANTED in part and DENIED in part**. The Clerk of Court is directed to
6 **MAINTAIN THE SEAL** on ECF No. 90-7 and ECF No. 90-10. The Clerk of Court is further
7 directed to **UNSEAL** ECF Nos. 90-5, 90-6, 90-9, 90-11, and 90-12. The Clerk of Court is
8 further directed to **SEPARATE** pages 1 and 6–16 from ECF No. 90-10, **FILE** those pages
9 unsealed as Exhibit G-2, and link that docket entry to plaintiff's motion for summary judgment at
10 ECF No. 90.

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12 U.S. District Judge Jennifer A. Dorsey
13 August 6, 2025
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